

REMARKS

With the present response, Applicants amend claims 1, 10, and 13 and add claims 15-17. New claims 15-17 are supported, e.g., by page 8, lines 17-29 and by Appendix A of Applicants' specification. Claims 1-17 are pending.

In the outstanding Office Action, the Examiner (1) rejected claims 1, 2, 4-6, 8-11 and 13 under 35 U.S.C. §102(e) as being anticipated by the document "3-Carrier Compact Proposal", 5/17-19, 1999, Paris, cited by the Applicants (hereafter referred to as the "3-Carrier Compact Proposal"); and (2) allowed claims 3, 7, 12, and 14.

In response to a final Office Action dated January 4, 2005, Applicants performed clarifying amendments to the claims to overcome a 35 U.S.C. §112 rejection. The amendments were performed in an After-Final Response dated April 8, 2005, which also included a fee for an extension of time. In an Advisory Action dated April 29, 2005, the Examiner stated that the amendments would not be entered because the amendments introduced new matter as well as raised new issues. In Response to the Advisory Action, Applicants filed an RCE on May 4, 2005. The outstanding Office Action is the first and **final** Office Action after an RCE.

Applicants respectfully submit that it was improper to make this rejection a final rejection. MPEP §706.07(b) states the following (emphasis added):

However, it would not be proper to make final a first Office action in a continuing or substitute application where that application contains material which was presented in the earlier application after final rejection or closing of prosecution ***but was denied entry because (A) new issues were raised that required further consideration and/or search, or (B) the issue of new matter was raised.***

Because Applicants amended the claims in the After-Final Response dated April 8, 2005 and the Examiner asserted that such amendments introduced new matter and raised new issues, MPEP §706.07(b) indicates that the finality of the present Office Action is improper.

Consequently, Applicants respectfully submit that the finality of the present Office Action is improper and should be withdrawn.

With regard to the rejections in (1) above, Applicants respectfully traverse these rejections. Independent claim 1 recites in part “providing a 52-multiframe containing 12 blocks of four consecutive frames, two idle frames, and two channels used for control channel purposes, said frames comprising a plurality of sequentially numbered timeslots”, and “rotating control channels belonging to *a serving time group* over non-sequential, alternate timeslot numbers within a frame” (emphasis added).

Applicants respectfully submit that the 3-Carrier Compact Proposal does not disclose the features in independent claim 1. For instance, the text of “rotating control channels belonging to *a serving time group* over non-sequential, alternate timeslot numbers within a frame” is not disclosed by the 3-Carrier Compact Proposal. Applicants, on page 2 (as an example) of Appendix A of Applicants’ present disclosure, show an example of “rotating control channels belonging to *a serving time group* over non-sequential, alternate timeslot numbers within a frame”. Page 2 of Appendix A shows four frames, where each frame corresponds to one time group, zero through three. Each frame has eight sequentially numbered timeslots. In timeslot one of the first frame corresponding to time group zero, the CPBCCH (ComPact Broadcast Control CHannel) of $B(0)^0$ is shown. It should be noted that page 1 of Appendix A of Applicants’ specification lists some definitions, which may be used to interpret the other parts of the Appendix. A rotation is performed so that the next control channel for time group zero is in timeslot seven of the first frame corresponding to time group zero, where the control channel is the CPCCCH (ComPact Common Control CHannel) shown as $C(3)^0$.

Similarly, in timeslot three of the second frame corresponding to time group one, the CPBCCH of $B(0)^1$ is shown. A rotation is performed so that the next control channel for time group zero is in timeslot one of the first frame for time group one, where the control channel is the CPCCCH shown as $C(3)^1$.

It should be noted that the rotation of control channels is performed so that control channels belonging to a *serving time group* (e.g., time group zero or one on Page 2 of Appendix A) are rotated over non-sequential, alternate timeslot numbers within a frame, as recited in independent claim 1. Shown graphically using a portion of Page 2 of Appendix A of Applicants' specification, examples of rotations of control channels for the serving time groups zero and one are as follows, as illustrated by arrows:

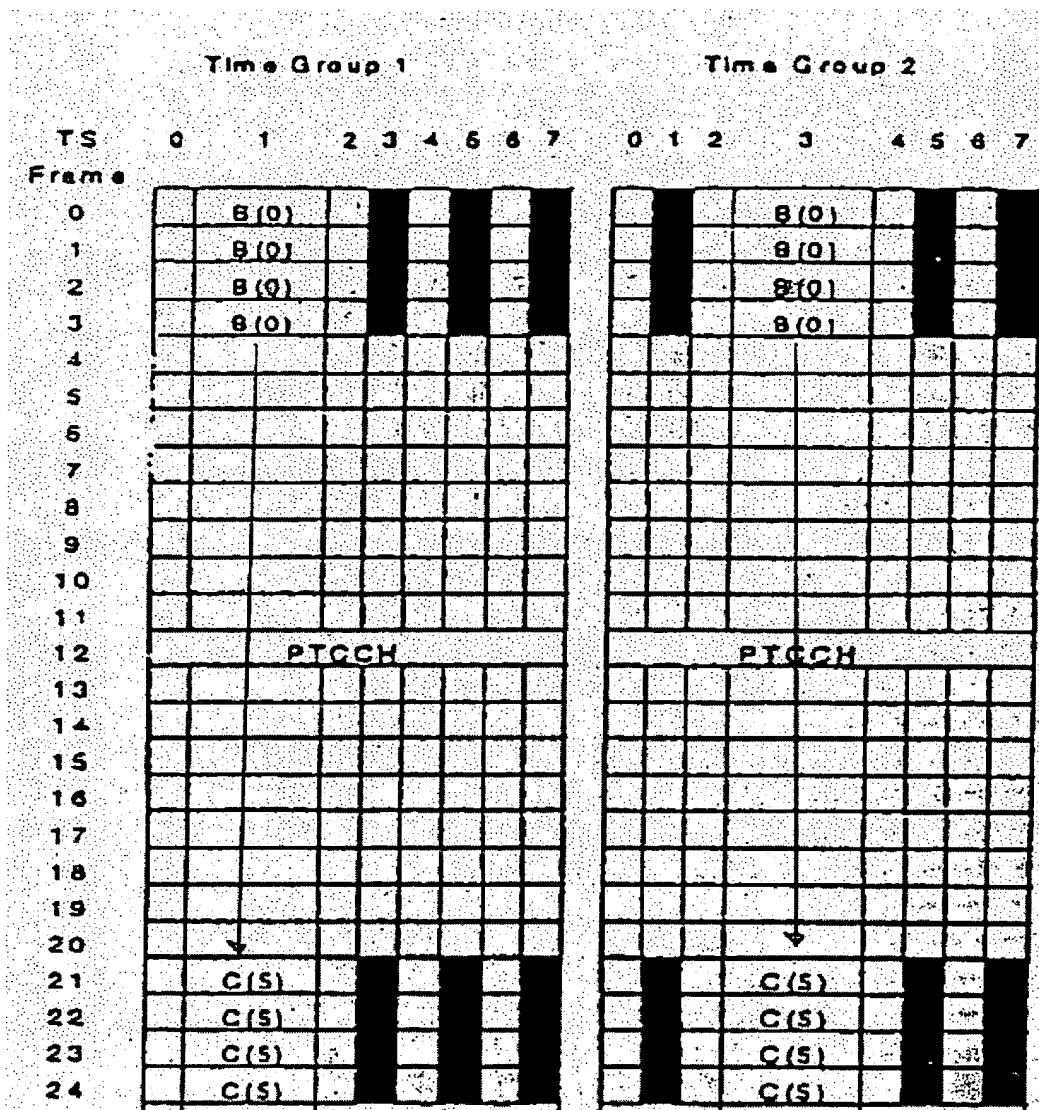
Frames 0-51 of a 208-multiframe							
MFN = 0							
TG = 0							
TS	0	1	2	3	4	5	6
FN	0	1	2	3	4	5	6
0		B(0) ⁰		X ¹		X ²	
1		B(0) ⁰		X ¹		X ²	
2		B(0) ⁰		X ¹		X ²	
3		B(0) ⁰		X ¹		X ²	
4							
5							
6							
7							
8							
9							
10							
11							
12	PTCCH						
13		X ¹		X ²		X ³	C(3) ⁰
14		X ¹		X ²		X ³	C(3) ⁰
15		X ¹		X ²		X ³	C(3) ⁰
16		X ¹		X ²		X ³	C(3) ⁰
17							

Frames 0-51 of a 208-multiframe							
MFN = 0							
TG = 1							
TS	0	1	2	3	4	5	6
FN	0	1	2	3	4	5	6
0		X ⁰		B(0) ¹		X ²	
1		X ⁰		B(0) ¹		X ²	
2		X ⁰		B(0) ¹		X ²	
3		X ⁰		B(0) ¹		X ²	
4							
5							
6							
7							
8							
9							
10							
11							
12	PTCCH						
13		C(3) ¹		X ²		X ³	X ⁰
14		C(3) ¹		X ²		X ³	X ⁰
15		C(3) ¹		X ²		X ³	X ⁰
16		C(3) ¹		X ²		X ³	X ⁰
17							

The arrows illustrate the rotation of the control channels for the time groups zero and one. The arrows were not part of the original Appendix A of Applicants' specification and are added above for expository purposes. The graphical representation shown above is used as an aid to understanding the present disclosure.

By contrast, one can see in Appendix A of the 3-Carrier Compact Proposal that there is no rotation of control channels *belonging to a serving time group* over non-

sequential, alternate timeslot numbers within a frame. For instance, examining Page 9 of the 3-Carrier Compact Proposal (the first page of Appendix A of the 3-Carrier Compact Proposal), it is clear that the control channels in the frame corresponding to time group one of the 3-Carrier Compact Proposal are always in timeslot zero. Similarly, the control channels in the frame corresponding to time group two of the 3-Carrier Compact Proposal are always in timeslot three. Shown graphically using a portion of page 9 of the 3-Carrier Compact Proposal, there is no rotation of control channels for the serving time groups one and two of the 3-Carrier Compact Proposal:



In the graphical representation of the 3-Carrier Compact Proposal, the arrows are straight and remain in the same timeslots, which indicate that no rotation of control channels occurs for the time groups one and two of the 3-Carrier Compact Proposal.

Thus, Applicants respectfully submit that at least the text of “rotating control channels belonging to a serving time group over non-sequential, alternate timeslot numbers within a frame” as recited in independent claim 1 is not disclosed by 3-Carrier Compact Proposal. Therefore, independent claim 1 is patentable over the 3-Carrier Compact Proposal.

Similar arguments can be made for the other independent claims 5, 10, and 13, as these claims have text similar to independent claim 1. Specifically, independent claim 5 recites in part “wherein individual ones of said base transceiver stations rotate the transmission of control channels *belonging to a serving time group* over non-sequential, alternate timeslot numbers within a frame”; independent claim 10 recites in part “said circuitry operating to rotate the transmission of a control channel *belonging to a serving time group* over odd timeslot numbers in a repeating sequence given as 7, 5, 3, 1, 7, 5,..., where the rotation occurs within a frame between two predetermined frame numbers (FNs)”; and independent claim 13 recites in part “circuitry operating to synchronize to the rotation of the transmission of a control channel *belonging to a serving time group* over odd timeslot numbers in a repeating sequence given as 7, 5, 3, 1, 7, 5,..., where the rotation occurs within a frame between two predetermined frame numbers (FNs)” (emphases added).

Because independent claims 1, 5, 10, and 13 are patentable, dependent claims 2, 4-6, 8, 9, and 11 are also patentable for at least the reasons given above with respect to their respective independent claims.

Based on the foregoing arguments, it should be apparent that claims 1, 2, 4-6, 8-11 and 13 are thus allowable over the reference(s) cited by the Examiner, and the Examiner is respectfully requested to reconsider and remove the rejections.

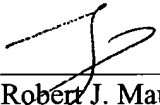
It should be noted that the amendments to claims 10 and 13 were performed for clarity and not for patentability, as the preceding arguments regarding independent claim 1 are equally valid without regard to the “within a frame” language in independent claim 1. Additionally, as independent claims 10 and 13 rotate control channels between two predetermined frame numbers, the rotation in these claims would occur within a frame. Additionally, the amendment to claim 1 was also performed for reasons other than patentability.

It should also be noted that newly added independent claim 15 recites in part “rotating transmission of control channels *belonging to a serving time group* over non-sequential, alternate timeslot numbers within a frame that corresponds to the serving time group.” Thus, independent claim 15 and its dependent claims 16 and 17 are also patentable over the 3-Carrier Compact Proposal for at least the reasons given above with respect to independent claim 1. Claims 15-17 are supported, e.g., by page 8, lines 17-29 and by Appendix A of Applicants’ specification (e.g., “For example, a given one of the BTS 5 transmits/receives its control channel on frequency 1 at timeslot 7, and during the next 52-multiframe period the base station shifts its control channel transmission /reception to timeslot 5. This rotation continues multiframe by multiframe as, for this example, 7,5,3,1, 7,5,3,1, 7..., etc.”; page 8, lines 20-26 of Applicants’ specification).

Finally, on page 5 of the outstanding Office Action, the Examiner discusses Jyrkka et al., U.S. Patent No. 6,587,695 and asserts that Jyrkka is recited in the Background of Applicants’ specification. However, Applicants do not believe that Jyrkka is recited in the Background of Applicant’s specification. Moreover, it does not appear that Jyrkka is of record in the prosecution of the instant application, nor does it appear that Jyrkka is prior art as defined by 35 U.S.C. §102 to the instant application (the priority date of Jyrkka is Oct. 27, 1999, while the present disclosure claims a priority date of May 28, 1999). Therefore, Applicants submit that Jyrkka does not appear to be applicable to the instant application.

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7/1/2005

Date

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